

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED SOVEREIGN AMERICANS,
INC., *et al.*,

Plaintiffs,

V.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

Case No. 1:24-cv-01003-DFB

(Hon. Daryl F. Bloom)

ORDER

AND NOW, this ____ day of _____, 2024, it is hereby
ORDERED that the Department of State Defendants’ Motion to Dismiss Petition is
GRANTED. It is further ORDERED that all claims against Al Schmidt in his
official capacity, the Pennsylvania Bureau of Elections, the Pennsylvania Bureau
of Election Security and Technology, and the Pennsylvania Department of State
are hereby DISMISSED.

IT IS SO ORDERED:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED SOVEREIGN AMERICANS,
INC., *et al.*,

Plaintiffs,

V.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

Case No. 1:24-cv-01003-DFB

(Hon. Daryl F. Bloom)

**DEPARTMENT OF STATE DEFENDANTS’
MOTION TO DISMISS PETITION**

Defendants Al Schmidt in his official capacity, the Pennsylvania Bureau of Elections, the Pennsylvania Bureau of Election Security and Technology, and the Pennsylvania Department of State (collectively the “Department of State Defendants”), by and through the Office of General Counsel, hereby move to dismiss the Petition for Relief in the Form of a Writ of Mandamus (“Petition,” ECF No. 1)¹ pursuant to Federal Rule of Civil Procedure 12(b)(1) and/or 12(b)(6). The Department of State Defendants will file a brief in support of this motion within 14 days in accordance with Local Rule 7.5.

¹ Although the Federal Rules of Civil Procedure call an initiating document for a civil action a “complaint,” *see* Fed. R. Civ. P. 3, the Department of State Defendants will, here, reflect Plaintiffs’ nomenclature.

Wherefore, the Department of State Defendants move to dismiss all claims against them in the Petition.

Date: July 22, 2024

Respectfully submitted,

JENNIFER C. SELBER
GENERAL COUNSEL

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS
Deputy General Counsel
Attorney ID No. 209495
Office of General Counsel
333 Market Street, 17th Floor
Harrisburg, PA 17101
Phone: 717-602-0943
Email: skovatis@pa.gov

*Counsel for the Department of State
Defendants*

CERTIFICATE OF NONCONCURRENCE

Pursuant to Local Rule 7.1, I certify that I sought concurrence from counsel for plaintiff in the above motion. Plaintiffs do not concur in this motion.

Date: July 22, 2024

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS

CERTIFICATE OF SERVICE

I, Stephen R. Kovatis, hereby certify that I have caused all parties to be served on this day with the foregoing Motion to Dismiss via the Court's ECF system.

Further, Defendants Merrick Garland and the United States Department of Justice will be served via U.S. Mail at the address listed on the Complaint:

950 Pennsylvania Avenue NW
Washington, DC 20530

Date: July 22, 2024

By: /s/ Stephen R. Kovatis
STEPHEN R. KOVATIS